IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.7151 of 2004**

DATE OF DECISION: August 17, 2006

RAVEL SINGH ...PETITIONER

VERSUS

JOINT DEVELOPMENT COMMISSIONER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: NONE FOR THE PETITIONER.
MR. C.M. MUNJAL, SR.ADDL.A.G., PUNJAB.

ASHUTOSH MOHUNTA, J. (ORAL)

The Gram Panchayat of village Nangal Behalan, District Hoshiarpur filed an application under Section 7 of the Punjab Village Common Lands Act (Regulation) Act, 1961 against the present petitioner for removal of illegal encroachment made by him on a area of approximately 1 kanal. It was averred that the land encroached upon by the petitioner Ravel Singh was part of the village pond which is in an area of 11 kanals and that the present petitioner be ordered to be evicted. Reliance was placed on by the Gram Panchayat on jamabandies, Ex.D-1, D-2 and D-4 which shows that the land in dispute belongs to the Gram Panchayat and was part of village pond. It was also found that the petitioner has put up a chappar. Accordingly, the Collector vide his order, Annexure P-4 dated 10.4.2002, ordered that the petitioner should hand over the vacant possession of the land to the Gram Panchayat. This order was challenged

before the Commissioner and vide order Annexure P-5, he upheld the order passed by the Collector.

Learned counsel for the petitioner has argued that the area in dispute which falls in khasra No.68/2 belongs to the petitioner and the petitioner has constructed two rooms over the said land.

We have perused the impugned orders and find that the land in dispute belongs to the Gram Panchayat as is clear from the Jamabandies Exs.D-1, D-2 & D-4. No evidence has been led by the petitioner as to how he is the owner of the suit land.

We find no merit in the writ petition and the same dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

August , 2006
Gulati

(NIRMAL YADAV)
JUDGE